

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**STEPHEN R. CHRISTENSEN,** )

**Plaintiff,** )

**v.** )

**Case No. CIV-14-153-M**

**RANDALL R. EDWARDS,** )

**Sheriff, CAPTAIN R. STUART,** )

**Jail Administrator, JOHN OR** )

**JANE DOE(S), C.O. AMBER** )

**COLLINS, SGT. KENNEDY,** )

**THE HONORABLE GARY** )

**MILLER,** )

**Defendants.** )

**REPORT AND RECOMMENDATION**

Plaintiff filed a civil rights complaint pursuant to 42 U.S.C. § 1983, Doc. 1, and sought leave to proceed in forma pauperis. Doc. 5. Alleging difficulty obtaining the proper financial information from Canadian County Jail officials, Plaintiff now seeks a writ of mandamus. Doc. 10. Chief United States District Judge Vicki Miles-LaGrange has referred the matter to the undersigned Magistrate Judge for proceedings consistent with 28 U.S.C. § 636(b)(1)(B), (C). The undersigned recommends that the Court dismiss the petition for writ of mandamus.

## **I. Analysis.**

Plaintiff asks this Court to issue a writ of mandamus ordering “Canadian County Jail to comply” with his requests for financial information. Doc. 5. However, this Court lacks the authority to issue such a writ.

Federal district courts have jurisdiction over “any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361. Consequently, a suit for federal mandamus relief must name a federal officer or employee as the subject of the request for relief. *Id.*; *see also Sockey v. Gray*, 159 F. App’x. 821, 822 (10th Cir. 2005) (“Federal courts are without jurisdiction to grant a writ of mandamus against state and local officials.”).

Neither Plaintiff’s underlying action nor his petition for writ of mandamus name a federal employee. And, this Court is not authorized to issue a writ of mandamus against county officials. So, the undersigned recommends that the Court dismiss Plaintiff’s petition for writ of mandamus. Doc. 10.

## **II. Recommendation and notice of right to object.**

The undersigned recommends that the Court dismiss Plaintiff’s petition for writ of mandamus. Doc. 10.

Plaintiff is advised of his right to object to this report and recommendation by the 8th day of May, 2014, in accordance with 28 U.S.C. §

636 and Fed. R. Civ. P. 72. Plaintiff is further advised that failure to make timely objection to this report and recommendation waives the right to appellate review of the factual and legal issues addressed herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This report and recommendation does not terminate the Court's referral to the undersigned Magistrate Judge.

ENTERED this 18th day of April, 2014.

  
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SUZANNE MITCHELL  
UNITED STATES MAGISTRATE JUDGE